#### IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO EASTERN DIVISION

IN RE FIRSTENERGY CORP. SECURITIES LITIGATION,

This document relates to:

ALL ACTIONS.

Case No. 2:20-cv-03785-ALM-KAJ

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

## JOINT SUBMISSION REGARDING PROPOSED DISCOVERY SPECIAL MASTER APPOINTMENT ORDER

Pursuant to the Court's August 2, 2023 Order, the Parties<sup>1</sup> jointly submit the enclosed proposed Order Appointing Special Master for the Court's consideration. For the Court's convenience, the Parties will provide a Word version of the proposed Order via email to Chambers.

Dated: August 4, 2023

Respectfully submitted,

/s/ Joseph F. Murray (with permission)

Joseph F. Murray, Trial Attorney (0063373) MURRAY MURPHY MOUL + BASIL LLP

1114 Dublin Road Columbus, OH 43215 Telephone: (614) 488-0400 Facsimile: (614) 488-0401 Email: murray@mmmb.com

Liaison Counsel

Darren J. Robbins (admitted *pro hac vice*) Mark Solomon (admitted *pro hac vice*) Jason A. Forge (admitted *pro hac vice*) Respectfully submitted,

/s/ Thomas D. Warren

Thomas D. Warren, Trial Attorney (0077541)

WARREN TERZIAN LLP 30799 Pinetree Rd., Suite 345 Pepper Pike, OH 44124 Telephone: (216) 304-4970

Email: tom.warren@warrenterzian.com

Robert J. Giuffra, Jr. (admitted *pro hac vice*)
Sharon L. Nelles (admitted *pro hac vice*)
David M.J. Rein (admitted *pro hac vice*)
Hilary M. Williams (admitted *pro hac vice*)
Tasha N. Thompson (admitted *pro hac vice*)
SULLIVAN & CROMWELL LLP

The "Parties" include all parties to the above-referenced action, as well as the parties to the related actions captioned *MFS Series Trust I* v. *FirstEnergy Corp.*, No. 2:21-cv-05839 (S.D. Ohio) and *Brighthouse Funds Trust II – MFS Value Portfolio* v. *FirstEnergy Corp.*, No. 2:22-cv-00865 (S.D. Ohio).

#### ROBBINS GELLER RUDMAN & DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101 Telephone: (619) 231-1058 Facsimile: (619) 231-7423 Email: darrenr@rgrdlaw.com Email: marks@rgrdlaw.com Email: jforge@rgrdlaw.com

Attorneys for Lead Plaintiff Los Angeles County Employees Retirement Association and Plaintiffs Amalgamated Bank, City of Irving Supplemental Benefit Plan, and Wisconsin Laborers' Pension Fund

#### /s/ Matthew L. Fornshell (with permission)

Matthew L. Fornshell, Trial Attorney (0062101)

Nicole R. Woods (0084865)

ICE MILLER LLP

250 West Street, Suite 700

Columbus, OH 43215-7509

Telephone: 614/462-1061

614/222-3692 (fax)

matthew.fornshell@icemiller.com nicole.woods@icemiller.com

Steven E. Fineman (pro hac vice) Daniel P. Chiplock (pro hac vice)

Michael J. Miarmi (pro hac vice) John T. Nicolaou (pro hac vice)

Gabriel A. Panek (pro hac vice)

LIEFF CABRASER HEIMANN &

BERNSTEIN, LLP

250 Hudson Street, 8th Floor New York, NY 10013-1413 Telephone: 212/355-9500

(212) 355-9592 (fax)

sfineman@lchb.com dchiplock@lchb.com

mmiarmi@lchb.com

jnicolaou@lchb.com

gpanek@lchb.com

125 Broad Street

New York, NY 10004

Telephone: (212) 558-4000 Facsimile: (212) 558-3588

Email: giuffrar@sullcrom.com Email: nelless@sullcrom.com Email: reind@sullcrom.com Email: williamsh@sullcrom.com

Email: thompsontas@sullcrom.com

Kamil R. Shields (admitted *pro hac vice*)

SULLIVAN & CROMWELL LLP

1700 New York Ave., N.W.

**Suite 7000** 

Washington, DC 20006

Telephone: (202) 956-7040 Facsimile: (202) 293-6330 Email: shieldska@sullcrom.com

Attorneys for Defendant FirstEnergy Corp.

#### /s/ Geoffrey J. Ritts (with permission)

Geoffrey J. Ritts (0062603)

Robert S. Faxon (0059678)

Corey A. Lee (0099866)

Stephen G. Sozio (0032405)

Adrienne F. Mueller (0076332)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, OH 44114-1190

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

Email: giritts@jonesday.com

Email: rfaxon@jonesday.com

Email: calee@jonesday.com

Email: sgsozio@jonesday.com

Email: afmueller@jonesday.com

Marjorie P. Duffy (0083452)

Jordan M. Baumann (0093844)

M. Ryan Harmanis (0093642)

JONES DAY

325 John H. McConnell Boulevard, Suite 600

Columbus, OH 43215

Telephone: (614) 469-3939

Richard M. Heimann (pro hac vice)
Bruce W. Leppla (pro hac vice)
Michael K. Sheen (pro hac vice)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: 415/956-1000
415/956-1008 (fax)
rheimann@lchb.com
bleppla@lchb.com
msheen@lchb.com

Attorneys for Direct Action Plaintiffs

#### /s/ Carole S. Rendon (with permission)

Carole S. Rendon, Trial Attorney (0070345)

Douglas L. Shively (0094065) Daniel R. Warren (0054595)

Jeremy Steven Dunnaback (0098129)

**BAKER & HOSTETLER LLP** 

Key Tower, 127 Public Square, Suite 2000

Cleveland, OH 44114
Telephone: (216) 621-0200
Facsimile: (216) 696-0740
Email: crendon@bakerlaw.com
Email: dshively@bakerlaw.com
Email: dwarren@bakerlaw.com
Email: jdunnaback@bakerlaw.com

George A. Stamboulidis (admitted pro hac

vice)

**BAKER & HOSTETLER LLP** 

45 Rockefeller Plaza New York, NY 10111 Telephone: (212) 589-4211 Facsimile: (212) 589-4201

Email: gstamboulidis@bakerlaw.corn

Attorneys for Defendant Charles E. Jones

/s/ Douglas M. Mansfield (with permission)

Douglas M. Mansfield (0063443) LAPE MANSFIELD NAKASIAN & GIBSON, LLC

9980 Brewster Lane, Suite 150

Facsimile: (614) 461-4198 Email: mpduffy@jonesday.com Email: jbaumann@jonesday.com Email: rharmanis@jonesday.com

Scott B. Scheinberg (admitted pro hac vice)

JONES DAY

500 Grant Street, Suite 4500 Pittsburgh, PA 15219-2514 Telephone: (412) 391-3939 Facsimile: (412) 394-7959

Email: sscheinberg@jonesday.com

Attorneys for Defendants Steven E. Strah, K. Jon Taylor, Jason J. Lisowski, George M. Smart, Paul T. Addison, Michael J. Anderson, Steven J. Demetriou, Julia L. Johnson, Donald T. Misheff, Thomas N. Mitchell, James F. O'Neil III, Christopher D. Pappas, Sandra Pianalto, Luis A. Reyes, Jerry Sue Thornton, and Leslie M. Turner

#### /s/ John F. McCaffrey (with permission)

John F. McCaffrey (0039486) John A. Favret (0080427) Hannah M. Smith (0090870) TUCKER ELLIS LLP

950 Main Avenue - Suite 1100

Cleveland, OH 44113 Telephone: (216) 592-5000 Facsimile: (216) 592-5009

Email: john.mccaffrey@tuckerellis.com Email: john.favret@tuckerellis.com Email: hannah.smith@tuckerellis.com

Steve Grimes (admitted *pro hac vice*) Dan K. Webb (admitted *pro hac vice*) WINSTON & STRAWN, LLP

35 W. Wacker Drive Chicago, IL 60601

Telephone: (312) 558-5600 Facsimile: (312) 558-5700 Email: SGrimes@winston.com Email: DWebb@winston.com

Attorneys for Defendant Michael J. Dowling

Powell, OH 43065

Telephone: (614) 763-2316 Facsimile: (614) 467-3704

Email: dmansfield@lmng-law.com

Michael L. Kichline (admitted pro hac vice) Laura H. McNally (admitted pro hac vice) Emily S. Kimmelman (admitted *pro hac vice*) Karen Pieslak Pohlmann (admitted pro hac

vice)

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103-2921 Telephone: (215) 963-5000 Facsimile: (215) 963-5001

Email: michael.kichline@morganlewis.com Email: laura.mcnally@morganlewis.com Email: emily.kimmelman@morganlewis.com Email: karen.pohlmann@morganlewis.com

Attorneys for Defendant Dennis M. Chack

/s/ Brian P. O'Connor (with permission)

Brian P. O'Connor (0086646) **SANTEN & HUGHES** 600 Vine Street, Suite 2700 Cincinnati, OH 45202 Telephone: (513) 721-4450 Facsimile: (513) 852-5994 Email: bpo@santenhughes.com

Preston Burton (admitted pro hac vice) Adam Miller (admitted pro hac vice) Bree Murphy (admitted pro hac vice) Jill Winter (admitted pro hac vice)

ORRICK, HERRINGTON & SUTCLIFFE

2001 M Street NW, Suite 500 Washington, DC 20036 Telephone: (202) 349-8000 Facsimile: (202) 349-8080 Email: pburton@orrick.com Email: adam.miller@orrick.com Email: bmurphy@orrick.com Email: jwinter@orrick.com

/s/ Jeremy R. Teaberry (with permission)

Jeremy R. Teaberry (0082870)

Timothy D. Katsiff (admitted *pro hac vice*) David L. Axelrod (admitted *pro hac vice*) Emilia McKee Vassallo (admitted pro hac vice) Brittany M. Wilson (admitted pro hac vice)

BALLARD SPAHR LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 Telephone: (215) 665-8500 Facsimile: (215) 864-8999

Email: teaberryj@ballardspahr.com Email: katsifft@ballardspahr.com Email: axelrodd@ballardspahr.com Email: mckeevassalloe@ballardspahr.com

Email: wilsonbm@ballardspahr.com

Attorneys for Defendant James F. Pearson

/s/ John C. Fairweather (with permission)

John C. Fairweather (0018216) Lisa S. DelGrosso (0064938) BROUSE McDOWELL

388 South Main Street, Suite 500

Akron, OH 44311

Telephone: (330) 535-5711 Facsimile: (330) 253-8601

Email: jfairweather@brouse.com Email: ldelgrosso@brouse.com

Stephen S. Scholes (admitted *pro hac vice*) Paul M.G. Helms (admitted pro hac vice) Samantha L. Fenton (admitted pro hac vice) MCDERMOTT WILL & EMERY LLP

444 West Lake Street Chicago, IL 60606-0029 Telephone: (312) 372-2000 Facsimile: (312) 984-7700 Email: sscholes@mwe.com Email: phelms@mwe.com Email: sfenton@mwe.com

Attorneys for Defendant Robert P. Reffner

Attorneys for Defendant Donald R. Schneider

/s/ Robert W. Trafford (with permission)

#### /s/ James E. Arnold (with permission)

James E. Arnold (0037712) Gerhardt A. Gosnell II (0064919) ARNOLD & CLIFFORD LLP 115 W. Main St., Fourth Floor

Columbus, OH 43215 Telephone: (614) 460-1600 Facsimile: (614) 469-1093 Email: jarnold@arnlaw.com Email: ggosnell@arnlaw.com

Veronica E. Callahan (admitted *pro hac vice*) Aaron F. Miner (admitted *pro hac vice*) Yiqing Shi (admitted *pro hac vice*) ARNOLD & PORTER KAYE SCHOLER LLP

250 West 55th Street New York, NY 10019-9710 Telephone: (212) 836-8000 Facsimile: (212) 836-8689

Email: aaron.miner@arnoldporter.com Email: veronica.callahan@arnoldporter.com Email: Yiqing.Shi@arnoldporter.com

# Andrew C. Johnson (admitted *pro hac vice*) ARNOLD & PORTER KAYE SCHOLER LLP

601 Massachusetts Ave., NW Washington, DC 20001-3743 Telephone: (202) 942-5631

Email: Andrew.Johnson@arnoldporter.com

Attorneys for Defendant Leila L. Vespoli

/s/ Victor A. Walton, Jr. (with permission)
Victor A. Walton, Jr. (0055241)
Joseph M. Brunner (0085485)
VORYS, SATER, SEYMOUR & PEASE
LLP
301 East Fourth Street, Suite 3500

301 East Fourth Street, Suite 3500 Great American Tower Cincinnati, OH 45202 Telephone: (513) 723-4000 Facsimile: (513) 723-4056

Facsimile: (513) 723-4056 Email: vawalton@vorys.com Email: jmbrunner@vorys.com Robert W. Trafford, Trial Attorney (0040270) David S. Bloomfield, Jr. (0068158) PORTER, WRIGHT, MORRIS & ARTHUR LLP

41 South High Street, Suite 2900 Columbus, OH 43215-6194 Telephone: (614) 227-2000 Facsimile: (614) 227-2100

Email: rtrafford@porterwright.com Email: dbloomfield@porterwright.com

Brian S. Weinstein (admitted *pro hac vice*)
Eric M. Kim (admitted *pro hac vice*)
Joshua N. Shinbrot (admitted *pro hac vice*)
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue

New York, NY 10017 Telephone: (202) 450-4000

Email: brian.weinstein@davispolk.com Email: eric.kim@davispolk.com

Email: joshua.shinbrot@davispolk.com

Attorneys for the Underwriter Defendants
Barclays Capital Inc., BofA Securities, Inc.,
Citigroup Global Markets Inc., J.P. Morgan
Securities LLC, Morgan Stanley & Co. LLC,
Mizuho Securities USA LLC, PNC Capital
Markets LLC, RBC Capital Markets, LLC,
Santander Investment Securities Inc., Scotia
Capital (USA) Inc., SMBC Nikko Securities
America, Inc., CIBC World Markets Corp.,
KeyBanc Capital Markets Inc., TD Securities
(USA) LLC, U.S. Bancorp Investments, Inc.,
and MUFG Securities Americas Inc.

Andrew P. Guran (0090649) VORYS, SATER, SEYMOUR & PEASE LLP 106 South Main Street, Suite 1100 Akron, OH 44308-1471 Telephone: (330) 208-1000

Facsimile: (330) 208-1001 Email: apguran@vorys.com

Attorneys for Defendant John Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 4, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will notify all counsel of record.

/s/ Thomas D. Warren Thomas D. Warren (0077541)

Counsel for Defendant FirstEnergy Corp.